

Staff Summary Report



To: Mayor & City Council
Through: City Manager

Agenda Item Number
Meeting Date 1/25/2001

SUBJECT: ORDINANCE FOR ADOPTION

PREPARED BY: JIM CRISTEA, ENGINEERING MANAGER, LAND SERVICES
(350-8417)

REVIEWED BY: ANDY GOH, ACTING CITY ENGINEER (350-8896)

BRIEF: This is the **second** public hearing to partially abandon a 10 foot public utility easement as recorded in Galleon Cove Condominiums.

COMMENTS: **ABANDONMENT (0901) ORDINANCE NO. 2000.55** This is the second public hearing to partially abandon a 10 foot public utility easement as recorded in Galleon Cove Condominiums, MCR No. 233-8.

Document Name: (20010125PWDR05) Supporting Documents: Yes

SUMMARY: Galleon Cove Condominiums was platted in 1980, but never constructed. Any existing utilities within the portion of the easement to be abandoned will be relocated at the developer's expense. Hayden Cove Townhouses is being developed at this location and the final recorded plat will provide for new utility easements. Staff supports the abandonment.

RECOMMENDATION:

That the City Council set a public hearing and adopt ordinance No. 2000.55 and authorize the Mayor to execute any necessary documents.

Approved by: Howard C. Hargis, Public Works Manager

ORDINANCE NO. 2000.55

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, PARTIALLY ABANDONING A 10 FOOT PUBLIC UTILITY EASEMENT LOCATED WITHIN GALLEON COVE CONDOMINIUMS, 1934 AND 1945 EAST HAYDEN LANE (NW ¼ SEC. 24 T1N R4E)

WHEREAS, it has been determined by the City Council of the City of Tempe that a certain easement which was intended for public utilities is no longer required by the City of use as such, and

WHEREAS, it would appear to be in the best interest of the City of Tempe to abandon said easement , and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION I. That the City of Tempe does hereby abandon, relinquish, and vacate existing easement which was intended for public utilities as described and delineated on EXHIBITS "A" and "A-1" attached hereto.

SECTION II. That all rights of the City in the easement to be abandoned shall vest in the record owner(s) of the subject property and shall be subject to the same encumbrances, liens, limitations, restrictions, and estates as exist on the land of which the easement is a part.

SECTION III. This abandonment is contingent on the relocation of any affected utilities at the developer's expense.

SECTION IV. That the Mayor is hereby authorized to execute any documents that may be necessary to carry out the provisions of this ordinance.

Ordinance No. 2000.55
Page Two

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE,

ARIZONA this _____ day of _____, 2001.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

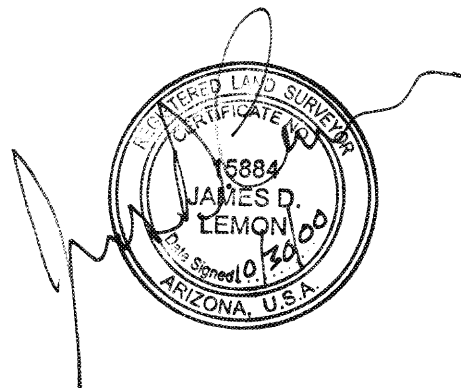
City Attorney

EXHIBIT A

LEGAL DESCRIPTION FOR PUBLIC UTILITY EASEMENTS TO BE ABANDONED.
LOCATED IN SECTION 24, TOWNSHIP 1 NORTH, RANGE 4 EAST,
GILA AND SALT RIVER BASELINE AND MERIDIAN.

All of the public utility easements created with the recording of the final plat of Galleon Cove Condominiums as recorded in Book 233, Page 8, M.C.R.;

EXCEPTING the portion 5 feet in width along each side of and parallel with the Northerly and Southerly right-of way of Hayden Lane and/or 10th Street.



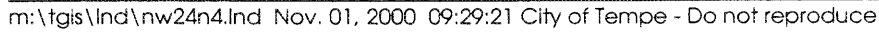


EXHIBIT A-1